WP(C) 2346/2007

BEFORE

HON'BLE JUSTICE B.P. KATAKEY

The petitioner, by the present writ petition is praying for directing the respondents to dispose of the representations dated 21.08.2006 and 09.05.2007 whereby and whereunder the petitioner has prayed for remission of the kist money as well as grant time to deposit the money and also for extension of the lease period.

I have heard Mr. B. Buragohain, the learned counsel for the petitioner and Mr. P. Roy, the learned State counsel appearing on behalf of the State respondents.

The petitioner has been settled with Moran Daily Market by Dibrugarh Zilla Parishad for the period ending on 30.06.2007. According to the petitioner, during the continuance of the lease period he suffered loss for which he filed the aforesaid two representations before the President and Chief Executive Officer, Dibrugarh Zilla Parishad for remission of the kist money as well as for extension of the period of the lease.

Admittedly the settlement of the daily market was made under the provisions of the Assam Panchayat Act, 1994. The said Act does not provide for the extension of the lease period and on the other hand, it provides for year wise settlement according to the Panchayat year. That being the position, the prayer of the petitioner for extension of the lease period cannot be granted.

However, it appears from the representation dated 28.09.2006 that the petitioner prayed for remission of the kist money by filing the said representation before the President and Chief Executive Officer, Dibrugarh Jilla Parishad. Under Rule 49 of the Assam Panchayat (Financial) Rules, 2002 power has been conferred on the Government to consider the prayer for remission in respect of any Hat/Ghat/Fisheries on special ground, i.e. flood, natural calamities and any other disturbances, which is beyond the control of the locality and the authority. The petitioner, therefore, has to approach the Government for remission of such kist money.

In view of the above, this writ petition is disposed of with the observation that the petitioner may approach the appropriate authority in the Government for remission of the kist money on the ground stated in the representations filed before the Chief Executive Officer, Dibrugarh Zilla Parashid.

The writ petition is accordingly disposed of. No Cost.